

the article had been shipped in interstate commerce on or about January 27, 1933, by E. A. Welters Tooth Powder Co., from Chicago, Ill., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of calcium carbonate, soap, and alum flavored with peppermint oil and sweetened with saccharin.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling, regarding the curative or therapeutic effects of the article, were false and fraudulent: (Carton) "For Toughening Tender Gums Helps Prevent Decay * * * Allow 'foam' created by moistened powder, to remain on 'tender gums' 20 to 30 seconds before expectorating (spitting). * * * to help 'toughen tender gums' * * * It is simply a combination of ingredients recognized by many of the dental profession, as standards for the care and preservation of the teeth and gums"; (can) "Toughens Tender Gums Helps Prevent Decay * * * to help toughen tender, bleeding gums, * * * and prevent decay."

On June 22, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21248. Misbranding of Apinol. U. S. v. 5¾ Dozen 2-Ounce Bottles and Ten 16-Ounce Bottles of Apinol. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30363. Sample nos. 32665-A, 32666-A.)

Examination of the product Apinol disclosed that it contained no ingredient capable of producing certain curative and therapeutic effects claimed in the labeling. It also was claimed for the article that it was an antiseptic mouth wash and was not poisonous; whereas it was not an antiseptic when used as a mouth wash, and was poisonous.

On April 28, 1933, the United States attorney for the Eastern District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 5¾ dozen 2-ounce bottles and ten 16-ounce bottles of Apinol at Columbia, S.C., alleging that the article had been shipped in interstate commerce, on or about February 25, 1933, by the Apinol Corporation, from Wilmington, N.C., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of pine oil. Bacteriological examination showed that the product would not be effective as an antiseptic for the mouth when used as a dentifrice.

It was alleged in the libel that the article was misbranded in that the statements on the cartons, "Apinol is a safe non-poisonous antiseptic and application to replace iodine, carbolic acid and corrosive sublimate", were false, since the article was poisonous and did not have the antiseptic powers of the substances named. Misbranding was alleged for the further reason that the statements on the bottle and in the circular, (bottle) "Mouth Antiseptic—A few drops of Apinol on the toothbrush" and (circular) "Mouth Hygiene Use two drops of Apinol on the toothbrush. This has an antiseptic effect", were false and misleading, since the article was not effective as an antiseptic when so used. Misbranding was alleged for the further reason that the following statements regarding the curative and therapeutic effects of the article were false and were applied to the article knowingly and in reckless and wanton disregard of their truth or falsity: (Carton labels, 2-ounce and 16-ounce size) "Sores * * * (Keeps Out Infection)"; (bottle label, 2-ounce size) "(Keeps Out Infection) * * * Dirty Wounds, Old Sores, * * * Use this same method for the Bites of Animals, Powder Burns or Rusty Nail Wounds, but also consult a physician. * * * A few drops of Apinol on the toothbrush will * * * combat pyorrhea"; (circular, 2-ounce size) "Destroys Germs and Keeps Out Infection Strong enough to Kill Germs or to Prevent Infection * * * It is * * * deadly to germs * * * Open Sores * * * Fly infected Wounds * * * Hoof Rot * * * Germ-destroying Properties of Apinol * * * Staphylococcus aureus, Streptococcus hemolyticus, Bacillus typhosus, Bacillus subtilis, Bacillus Coli communis, Bacillus tetani, Pus discharges, Boils, Chronic infections, blood poisoning, erysipelas, Typhoid, Anthrax, Ulcers, Abscesses, Tetanus or lockjaw. * * * Apinol, however, prevents the multiplication of the spores and thus in the case

of lockjaw it is proven that Apinol will arrest the propagation of the tetanus germ, preventing poison from getting into the system, and the course of treatment and dressing eventually removes all infection, including the spores, * * * tests on infected areas in human cases. Case No. 1: Ulcer on leg. Patient was treated twice and did not return. Case No. 2: Ulcer on wrist. Apinol wet dressing every other day for five days brought complete cure. Case No. 3: Boil on finger. Four wet dressings were applied—one a day for four days. Cultures were negative after second dressing; boil completely healed in ten days. Case No. 4: Old ulcer on back of neck—began as a boil. Wet dressing of Apinol every other day. Cultures negative on fifth day. Completely healed in sixteen days. Case No. 5: Ulcers on ankle, 18 years' standing. Had 'tried everything.' Treated every other day with Apinol swabbed into lesions and with daily wet dressings. Marked reduction of organisms found after every examination. Cultures sterile after fifth examination. Completely healed after 2 months. * * * To treat deep cuts, ragged wounds, * * * dirty abrasions, * * * or any other wound that may have been infected from its very cause, * * * In cases of animal bites, rusty nail wounds or any other wound requiring stitching or cauterization, call a doctor at once but use Apinol as emergency treatment. If a wound is well cleansed in the beginning and kept wet with Apinol, it is very unlikely that there will be any discharge or pus. Gradually, Apinol combines with the secretions into a hard mass, impervious to water, which forms an effective seal against infection from air, water or other outside contact. When it becomes necessary to change the bandage, just drench the whole mass with Apinol, when it becomes soft and may be lifted off without pain or disturbance of the healing process. Keep up the moist bandage treatment until the wound closes up without redness or discharge. During course of the moist bandage treatment, refrain from movements that will strain, wrench, rub or irritate the injured part. * * * Rusty Nail in Foot * * * Apinol should be used as emergency treatment, pending arrival. Powder Burns The danger is from lockjaw. * * * Apply Apinol pending his arrival. * * * Bites of animals Always call a doctor. Pending his arrival, cleanse the wound and pour on Apinol. * * * Nasal Catarrh * * * Chest Colds Saturate a cotton cloth with Apinol, apply to the chest and cover with hot flannel. * * * helps to keep off bronchitis or pneumonia. * * * Infected Nails * * * Insects, Mosquito Bites, Etc. * * * keeps out infection, * * * Toothache * * * attacking the infecting germs."

On June 10, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21249. Misbranding of Fowlerine. U. S. v. David Lee. Plea of nolo contendere. Fine, 1 cent. (F. & D. no. 27467. I. S. no. 14925.)

Examination of the drug preparation Fowlerine disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the bottle label, and in a circular shipped with the article.

On May 16, 1932, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States for the district aforesaid an information against David Lee, a member of a copartnership trading as the Fowler Medicine Co., Memphis, Tenn., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about January 7, 1931, from the State of Tennessee into the State of Kentucky, of a quantity of Fowlerine which was misbranded.

Analysis of a sample of the article by this Department showed that it consisted of sulphonated oil, turpentine, and methyl salicylate.

It was alleged in the information that the article was misbranded in that certain statements appearing on the bottle label, regarding the curative and therapeutic effects of the article, falsely and fraudulently represented that it was effective as a remedy for kidney, bladder, and rheumatic trouble, indigestion, colic, cramp, and those conditions of the stomach which lead to appendicitis, and effective as a treatment for periodical cramp and suppressions; and for the further reason that certain statements appearing in a circular shipped with the article falsely and fraudulently represented that it was effective as a treatment, remedy, and cure for kidney, bladder, and rheumatic trouble, rheumatism, Bright's disease, diabetes, dropsy, heart failure, and other fatal ailments,